

Message Text

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ORIGIN SS-10

INFO OCT-01 ISO-00 SSO-00 CCO-00 /011 R

66603

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APPROVED BY: S/S-O: P. SARROS

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Z 092003Z NOV 74 ZFF4

FM SECSTATE WASHDC

TO WHITE HOUSE FLASH

C O N F I D E N T I A L STATE 247748

EXDIS TOSEC 974

WHITE HOUSE REPEAT TO SAM 86970 FOR THE SECRETARY

FOLL REPEAT QUITO 7601 ACTION SECSTATE 09 NOV 74 QUOTE

C O N F I D E N T I A L QUITO 7601

EXDIS

DEPTO 12

E.O. 11652: GDS

TAGS: OCON, OAS

SUBJECT: QUITO MFM

REF: QUITO 7571, QUITO 7598

DEPARTMENT PLEASE PASS TO THE SECRETARY FROM DEPUTY SECRETARY
INGERSOLL

1. IF THE THREE SPONSORS ARE SUCCESSFUL IN THEIR SEARCH FOR
A FOURTEENTH VOTE FOR THEIR RESOLUTION LIFTING SANCTIONS, THE
ISSUE PRESENTED TO THIS MEETING WILL BE DEFINITELY RESOLVED
AND THE UNITED STATES CAN ABSTAIN WITHOUT MISGIVINGS.

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2. IF THEY FAIL, WHICH SEEMS LIKELY AT WRITING, FACIO WILL PROBABLY REVERT TO HIS LAMENTABLE "REVERSE TWO-THIRDS" RESOLUTION, CALLING FOR A VOTE TO MAINTAIN THE SANCTIONS. SUCH A RESOLUTION WOULD FAIL WITH ONLY A HANDFUL OF FAVORABLE VOTES. PRACTICALLY, THE SANCTIONS WOULD BE DEAD; LEGALLY, THE RIO TREATY WOULD BE A SHAMBLES.

3.
WE HAVE SEARCHED FOR AN ALTERNATIVE, DEFENSIBLE ON BOTH LEGAL AND POLITICAL GROUNDS. A PROCEDURE, BASED SQUARELY ON OUR INSTRUCTIONS TO NEGOTIATE A RIO TREATY AMENDMENT PERMITTING SANCTIONS TO BE LIFTED BY MAJORITY VOTE, MIGHT FULFILL THIS PURPOSE.

4. PARAGRAPH 3 OF RESOLUTION I OF THE 1964 NINTH MFM RE-QUIRED THE GOVERNMENTS TO SUSPEND DIPLOMATIC, COMMERCIAL AND MARITIME TIES WITH CUBA. THE FOREIGN MINISTERS ALSO PROVIDED IN PARAGRAPH 4 "TO AUTHORIZE THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES, BY AN AFFIRMATIVE VOTE OF TWO THIRDS OF ITS MEMBERS, TO DISCONTINUE THE MEASURES ADOPTED IN THE PRESENT RESOLUTION AT SUCH TIME AS THE GOVERNMENT OF CUBA SHALL HAVE CEASED TO CONSTITUTE A DANGER TO THE PEACE AND SECURITY OF THE HEMISPHERE."

5. THE RESOLUTION NOW ON THE TABLE HERE AT QUITO WOULD REPEAL PARAGRAPH 3. BUT THIS 15TH MEETING OF FOREIGN MINISTERS HAS THE POWER AS WELL TO CONTINUE, TO LIFE OR TO OTHERWISE MODIFY ALL THE OTHER PROVISIONS OF THE 1964 RESOLUTION, INCLUDING THE PARAGRAPH DELEGATING AUTHORITY TO THE PERMANENT COUNCIL REFERRED TO ABOVE. THUS, A RESOLUTION ADOPTED BY THE MEETING OF FOREIGN MINISTERS NEED NOT IN ITSELF LIFT OR MODIFY THE SANCTIONS. RATHER IT COULD SIMPLY DECIDE -- BY A TWO-THIRDS VOTE, OF COURSE, -- TO SUPERSEDE PARAGRAPH 4 OF THE 1964 RESOLUTION (QUOTED ABOVE) BY SUBSTITUTING A NEW DELEGATION OF AUTHORITY TO THE PERMANENT COUNCIL TO LIFT THE SANCITONS IF IT IS MINDED TO DO SO BY MAJORITY VOTE. ONCE THE MINISTERS HERE ADOPT SUCH A MODIFYING RESOLUTION, A MEETING OF THE PERMANENT COUNCIL COULD BE CALLED AND THE COUNCIL COULD THEN VOTE ON ITS OWN RESOLUTION LIFTING THE CONFIDENTIAL

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SANCTIONS.

6. THIS PROCEDURE WOULD PERMIT THE COUNTRIES WHO CANNOT GO ON RECORD IN FAVOR OF LIFTING THE SANCTIONS TO JOIN IN GETTING OUT THE NECESSARY TWO-THIRDS FOR A DECISION OF THE MINISTERS TO ALLOW THE MAJORITY TO DECIDE THE QUESTION. THIS DECISION WOULD BE PROCEDURAL IN NATURE AND WOULD NOT GO TO THE MERITS OF CUBA OR THE SANCTIONS. THOSE SAME

COUNTRIES COULD THEN ABSTAIN OR VOTE NO ON THE PERMANENT COUNCIL RESOLUTION LIFTING THE SANCTIONS.

7. WE WOULD LIKE AUTHORITY TO DISCUSS THIS FIRST WITH SILVEIRA. IF HE CONCURS THAT IT IS WORTH PURSUING, AND FAILING SOME OTHER BETTER METHOD, WE WOULD THEN DISCREETLY RAISE IT WITH COSTA RICA AND INQUIRE WHETHER THEY WOULD SPONSOR THE PROPOSAL. WE WOULD NOT GET OUT FRONT AS AN INITIATOR. IN ANY EVENT, WE WOULD NOT AIR THE IDEA WITH ANYONE, SILVEIRA INCLUDED, UNTIL WE WERE MORALLY CERTAIN THAT FACIO'S PRESENT EFFORTS ARE DOOMED.

8. WE SEE SEVERAL CONSIDERATIONS TO COMMEND THIS COURSE OF ACTION:

- A MAJORITY VOTE PROCEDURE TO LIFT SANCTIONS IS SOMETHING THE U.S. GOVERNMENT SUPPORTS. YOU REQUESTED PRESIDENTIAL AUTHORITY TO SEEK A RIO TREATY AMENDMENT THAT SANCTIONS WOULD BE LIFTED BY MAJORITY VOTE IN YOUR MEMO TO THE PRESIDENT OF MARCH 23, 1974 (S/S7405717). PRESIDENTIAL AUTHORITY TO ADOPT THIS POSITION WAS CONTAINED IN A DAVIS-SPRINGSTEEN MEMO OF APRIL 5, 1974 (S/S7487014).
- TO APPLY IT HERE AT QUITO WOULD PERMIT THE MINISTERS TO ESCAPE FORM THE MAZE IN WHICH THEY ARE NOW TRAPPED.
- IT IS ENTIRELY LEGAL.
- AND IT PERMITS COUNTRIES IN VOTING TO DISTINGUISH CLEARLY BETWEEN THEIR LOYALTY TO THE INTER-AMERICAN SYSTEM AND THE QUESTION OF WHETHER CASTRO IS DESERVING OF NORMAL RELATIONS.

9. NEVERTHELESS, THERE ARE PROBLEMS. MOST IMPORTANT, THE END RESULT OF THIS PROCEDURE WILL BE LIFTING OF THE SANCTIONS WITH OUR ACQUIESCENCE (ALTHOUGH OUR ABSTENTIONIST NEUTRALITY ON THE PENDING FACIO RESOLUTION MEANS THAT WE HAVE ALREADY

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ACQUIESCED IN LIFTING SANCITIONS IF THE CO-SPONSORS CAN BIND THE ELUSIVE 14TH VOTE.) ALSO, A FEW COUNTRIES MIGHT ARGUE THAT THIS PROCEDURE IS IN EFFECT AN EFFORT TO AMEND THE RIO TREATY BY PERMITTING THE LIFTING OF SANCTIONS BY MAJORITY VOTE. (WE BELIEVE, HOWEVER, THAT FEW WILL RAISE THE POINT, AND THE ANSWER TO IT IS THAT THE RIO TREATY ONLY REQUIRES THE MFM, NOT THE COUNCIL, TO ACT BY TWO-THIRDS.)

10. IN ADDITION TO THE QUESTION OF WHETHER WE DISCUSS THIS PROCEDURE WITH OTHERS, WE ALSO FACE THE LATER QUESTION OF HOW TO VOTE, IF THE PROPOSAL FINDS ITS WAY ON TO THE TABLE. WE WOULD PROPOSE WITHHOLDING ANY COMMITMENT ON THIS, EXPLAINING THAT WE DO NOT WANT TO INFLUENCE OTHERS' VIEWS.

11. PERHAPS WE WILL BE ABLE TO ABSTAIN ON BOTH VOTES, IF
14 OTHERS FAVOR THE FIRST OF THE RESOLUTIONS. BOLIVIA,
GUATEMALA, OR ONE OF THE OTHER SWING VOTES JUST MIGHT
SUPPORT IT, EVEN WITHOUT US. WE WOULD MONITOR CLOSELY THE
CONSIDERATION OF THIS PROPOSAL AND INFORM YOUR OF THE
POSSIBILITY OF ITS SUCCESS. IT SHOULD BE CLEAR BY SUNDAY
EVENING HOW MUCH SUPPORT IT HAS. AT THAT STAGE WE CAN
REVIEW THE SITUATION AND CONSIDER THE U.S. VOTE.

12. TIME IS OF THE ESSENCE. WE WILL NEED A RESPONSE TO
THIS CABLE BY SATURDAY MIDNIGHT, AND THE OPTION TO REACH
YOU ON SUNDAY AS WELL AS MONDAY IF MATTERS DEVELOP QUICKLY.
PERHAPS YOU WOULD WANT TO CALL ME TONIGHT.
INGERSOLL

UNQUOTE MAW

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TOSEC 974, FOREIGN MINISTERS MEETINGS, POLITICAL SITUATION, SANCTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 NOV 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GarlanWA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE247748
Document Source: CORE
Document Unique ID: 00
Drafter: O: P. SARROS
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740323-0751
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741156/aaaabveh.tel
Line Count: 185
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: QUITO 7571, QUITO 7598
Review Action: RELEASED, APPROVED
Review Authority: GarlanWA
Review Comment: n/a
Review Content Flags:
Review Date: 16 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 SEP 2002 by cunninfx>; APPROVED <24 MAR 2003 by GarlanWA>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: QUITO MFM
TAGS: OCON, PFOR, XM, CU, OAS
To: WHITE HOUSE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005